



Docket No.: 1998.1005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ho-Sang SUNG et al.

Group Art Unit: 2626

Serial No. 10/606,540

Examiner: Jakieda R. Jackson

Filed: June 26, 2003

For: TRANSMITTER AND RECEIVER FOR SPEECH CODING AND DECODING BY USING ADDITIONAL BIT ALLOCATION METHOD

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance set forth starting on page 2 of the Supplemental Notice of Allowability include descriptions and characteristics of selected items of prior art. It is submitted that such characterizations are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14. In particular, a discussion of the prior art is specifically identified in Example (F) of M.P.E.P. §1302.14 as a statement which is not a suitable reason for allowance.

In the statement, the Examiner characterizes certain features of identified claims. It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance.

It is submitted that the claims are not constrained by such improper comments, statements and incorporation from the specification by the Examiner (particularly the improper attempt to incorporate the equations into the claims), and that the claims speak for themselves as to what features are included therein.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper and should be disregarded.

Respectfully submitted,

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Date: 1/17/08

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